

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVEN BUFFINGTON, NANCY  
HELMOLD, SARAH KRAMER, and  
CYRINDA CRAIG, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

-against-

SPAY, INC. d/b/a STACK SPORTS,

Defendant.

**ORDER**

24-CV-02541 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiffs' May 13, 2025 discovery dispute letter requesting that the Court direct Defendant to produce certain documents outside the scope of the arbitration issue is DENIED. (Doc. 45). To the extent Defendant seeks the imposition of sanctions, that request is DENIED. (Doc. 47).

The issue of arbitration will be tried to a jury. *See Salamaya v. MasTec Inc.*, No. 11-CV-01633, 2012 WL 13137095, at \*2 (M.D. Fla. Apr. 4, 2012) ("Even if the Court were to find that [plaintiff's] demand for jury trial was untimely, it would exercise its discretion to excuse the technical waiver and permit a jury trial . . . because [plaintiff] included a demand for jury trial in his initial Complaint, and permitting a jury trial on the arbitration issue will in no way delay determination of [defendant's] demand for arbitration.").

The Clerk of Court is respectfully requested to terminate the pending letter-motion (Doc. 45).

**SO ORDERED.**

Dated: White Plains, New York  
May 15, 2025



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PHILIP M. HALPERN  
United States District Judge